

Remarks

Claims 1, 13, and 18 have been amended to further clarify the function of the on-off switch. The Examiner is requested to enter this amendment as it requires no additional searching and raises no new issues, but it does place the claims in better condition for appeal by further clarifying the function of the on-off switch.

Applicant's on-off switch completely shuts down the device so that it cannot operate, even when it is struck by a golf ball. It is clear from Applicant's circuit diagram (Figure 3) that on-off switch 12 shuts down the device. The Examiner believes that switches 6 in Figure 5 of Pacheco are "on-off" switches. There are four identical switches 6 in Figure 5 of Pacheco. Each switch 6 is connected to one of the four pressure bars 3, so that when a golf ball depresses one of the four pressure bars 3 it closes one of the four switches 6. Aside from the four switches 6, there are no other switches in the Pacheco device.

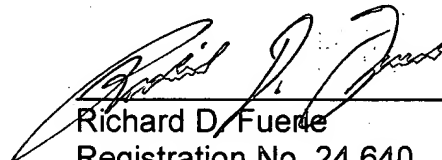
The switches 6 perform the same function as the sensor switch in Applicant's device, namely that they close an electrical circuit in response to a golf ball. There is no way to shut off or turn on Pacheco's device using a switch 6. The user cannot flip a switch 6 to shut off the device because switches 6 are always open unless a pressure bar 3 is depressed. The only way to be sure that none of the switches 6 is depressed is to put the device in a box to prevent all contact with the pressure bars, and doing that does not involve the use of a switch.

Applicant's Claims 1, 13, and 18 require two kinds on switches - a sensor

switch and an on-off switch. Pacheco has only a single type of switch, a switch that closes when a ball depresses a pressure bar. That is the function performed by a sensor switch. Pacheco has no switch that performs the function of an on-off switch, which is to disable the device when it is not being used.

Applicant respectfully urges the Examiner to reconsider his position. All of the claims are believed to be allowable over the references cited and reconsideration and allowance of all of the claims are therefore requested. Should the Examiner wish to discuss the application, he is invited to call Applicant's attorney at (716) 774-0091.

Respectfully,



Richard D. Fuerle
Registration No. 24,640
For Applicant

Richard D. Fuerle
1711 West River Road
Grand Island, NY 14072
(716)-774-0091
November 19, 2003
CASE DL01